

## **I. SYNOPSIS OF EVENTS LEADING TO THE APPOINTMENT OF THE INDEPENDENT COUNSEL**

By letter dated July 14, 1995, the Department of the Interior (DOI) denied a request by three Wisconsin Indian tribes to take land into trust in Hudson, Wis., for the purpose of conducting casino gaming on that property, citing the Indian Reorganization Act of 1934 and the Indian Gaming Regulatory Act of 1988.<sup>9</sup> Under certain provisions of these statutes, the Secretary of the Interior is authorized to accept off-reservation land to be held in trust by the United States for the benefit of an Indian tribe or tribes, and casino gaming can be conducted on that property if approved by the Department and the governor of the state in which the property is located. Under other provisions of these statutes, Indian gaming is authorized on-reservation and in other limited circumstances. Indian gaming has grown significantly during the 1990s, and has been an important tool of economic development for many poverty-stricken Indian tribes.<sup>10</sup> During this period, although there have been disputes between tribes and state governments, gaming on Indian reservations has gained some acceptance. On the other hand, proposals such as the one in Hudson – in which the tribes sought to have land taken into trust for gaming that was off-reservation, that is, outside of the tribes' reservations – typically have been unpopular and highly controversial. Through early 1995, Interior had approved about half of such requests that had made it past the regional offices to Washington, and the governors involved had then vetoed all

---

<sup>9</sup>The site of the proposed casino was an existing greyhound racing track in Hudson called St. Croix Meadows. Accordingly, this Report refers to the site of the proposed Indian gaming facility as the "Hudson dog track" and refers to the proposal as the "Hudson casino application," or "Hudson application."

<sup>10</sup>American Indian groups, as officially recognized by DOI, are denominated by numerous terms, including "tribe," "band," and "community." For ease of reference, this report uses the term "tribe" solely as a generic term for a separate American Indian group recognized by DOI.